



Laura Lanese
State Representative, District 23
Kristin Boggs
State Representative, District 18
Sponsor Testimony for House Bill 561
June 5, 2018
Before the House Criminal Justice Committee

Chair Manning, Vice Chair Rezabek, Ranking Member Celebrezze, and members of the House Criminal Justice Committee, thank you for the opportunity to provide sponsor testimony on HB 561, which would eliminate Ohio's spousal exemption for sex offenses.

Today we stand before you to ask that you eliminate the marital exemption under Ohio law. HB 561 eliminates all exceptions to the following sex offenses that currently apply if the person subjected to the prohibited conduct is the offender's spouse: Rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and sexual imposition.

Statistically it is reported that up to 10% of sexual assaults occur within the confines of marriage, and if there is domestic violence present the number can go as high as 70%. Tragically, many of the victims don't realize that they have been assaulted until they find recordings of the rape on their spouse's phone or worse in the public realm or on social media. In 2013, the wife of a Utah police officer discovered recordings on her husband's phone of him raping her after he had drugged her. The day after she accused him, he killed her, their children, her mother and finally himself. Another recent case occurred in Indiana where a woman discovered her husband had been giving her either Ambien or Xanax. It wasn't until later that she found the recordings on his phone of him raping her. He was convicted but only received house arrest, which he later violated and only then was he sentenced to 5 years in prison. If either of these cases had happened in Ohio these rapists would not have been prosecuted because they had occurred within the confines of marriage and did not include the use of force or the threat of force.

Shortly after introducing this legislation I received a call from a Columbus woman who detailed her assault. Her husband had sexually assaulted her while she was unconscious and only realized what happened in the morning. After relating this to a co-worker, she realized how disturbing this sounded, but didn't think of it as being raped. Her co-worker convinced her otherwise, but unfortunately under Ohio law, the wife was right. Because she was married to the perpetrator and was not forced, she could not prosecute the rape. Had she been divorced or never even knew him she would have had that option.

By including the phrase, "not the spouse of the offender" in our current code, we are confirming the ancient belief that women are property of their husbands and at the words, "I do", a woman gives up ownership of her own body and forfeits the protections of justice and the law. The goal of our bill is to eliminate those words, "not the spouse of the offender," so that married victims have the same protections from sexual assault as unmarried ones.

This legislature should not continue to turn its back on Ohio's sexual assault victims. HB 561 allows Ohio to catch up with the vast majority of states that find no distinction between married and unmarried victims and provides the opportunity to update this archaic portion of our code. Rape is rape. A wedding ring should not be part of the definition.

We'd be happy to answer any questions from the Committee.